




KASIM REED
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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

MEMORANDUM

TO: Zoning Review Board
FROM: Charletta Wilson Jacks, Zoning Administrator 
SUBJECT: Z-14-07 for amendment of Section 16-28.035-Works of Art
DATE: May 8, 2013

This legislation seeks to amend the code of ordinances of the City of Atlanta by creating a new article in Chapter 46 "Civic and Cultural Affairs" which is to be known as "**WORKS OF ART ON PRIVATE PROPERTY**;" amending Section 16-28.025 of the 1982 Zoning Ordinance to reserve said section for future use; and for other purposes.

The legislation is still being routed through the Neighborhood Planning Units, thus staff is requesting a deferral.

STAFF RECOMMENDATION: 30-DAY DEFERRAL-JUNE 2014

cc: James Shelby, Commissioner, DPCD



CITY OF ATLANTA

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-14-09 - Martin Luther King, Jr. Landmark District Regulatory Revisions
(Chapter 20C of the Zoning Ordinance)

DATE: May 8, 2014

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY REPLACING CHAPTER 20C. MARTIN LUTHER KING, JR. LANDMARK DISTRICT WITH A NEW CHAPTER 20C. ENTITLED "MARTIN LUTHER KING, JR. LANDMARK DISTRICT"; TO AMEND THE OFFICIAL ZONING MAP WITHIN SAID MARTIN LUTHER KING, JR. LANDMARK DISTRICT CONSISTENT WITH SAID CHAPTER 20C. AMENDMENTS; TO AMEND SECTION 28A.010 OF THE CITY OF ATLANTA SIGN ORDINANCE BY REPLACING SUBSECTION (27) OF SAID SECTION WITH A NEW SUBSECTION (27) ENTITLED MARTIN LUTHER KING, JR. LANDMARK DISTRICT SIGN REGULATIONS; AND FOR OTHER PURPOSES.

FINDINGS OF FACT:

In 1989, the majority of the Sweet Auburn commercial corridor and much of the surrounding residential areas (within the Butler / Auburn neighborhood and the southern portion of the Old Fourth Ward) were rezoned to the Landmark District category of protection under the City's Historic Preservation Zoning Ordinance. This 1989 rezoning essentially continued the previous "zoning" of the District that occurred prior to 1989 under the City's pre-1989 historic preservation / zoning ordinance. The 1989 rezoning supplanted most of the then existing zoning, with the exception of several "transitional areas" near the edges of the District in which the District became a overlay zoning district with the then-existing zoning categories retained.

There have been only a few substantive changes to the District regulations since 1989. Some parts of the Landmark District east of Interstate 75 / 85 are also within the Beltline Zoning Overlay District.

In August, 2010, the Staff launched an effort to update many of the City Landmark and Historic District regulations, some of which were over 15 years old. The neighborhood leadership, stakeholders, and interested parties in each respective district, in partnership with the Staff, developed proposed regulatory revisions that were discussed and reviewed at the community level.

In the case of this Landmark District, there has been extensive community engagement over the course of several years that included residential, commercial, and institutional property owners. This effort also involved Central Atlanta Progress, the National Park Service, local community development corporations, and business associations. The current rezoning application is based on this extensive community engagement. Given the comprehensiveness and depth of this engagement and the complexity of the land use, site planning, design, and street corridor issues in the District, the current proposal would completely replace the existing District regulations with a new set of regulations.

On April 23, 2014, the Urban Design Commission reviewed and commented favorably on the most current version of the proposed regulation revisions (RC-14-081).

PROPOSAL:

In 2010, the Staff developed a set of principles or “framework” to be used for all of the proposed revisions to all of the Districts’ regulations. While some of these do not directly apply to the Martin Luther King, Jr. Landmark District, they are useful to put the proposed Landmark District revisions into context to the overall initiative:

- Add Staff-level / “administrative” reviews for all districts that currently do not have them. The addition of administrative reviews will save customers time and money while freeing up Staff time to work on more complicated reviews.
- Amend existing language to clarify the intent of the regulations. There are instances where the apparent intent of the regulations is not carried out in the specific language / text of the regulations.
- Address general concerns / ambiguities / oversights in individual districts. There are examples of regulation sections that do not address all the pertinent issues for that topic.
- Do not add more substantive requirements or significant new topics to the regulations, expand the scope of the regulations, or add or delete any geography to the districts.
- Create more uniform requirements among similar districts, including but not limited to the following:
 - Staff review of independent driveways not connected to a public street.
 - Staff review of the replacement of non-original / non-historic or missing elements that otherwise meet the regulations (i.e. siding, windows, porch railings, porch columns, porch flooring, exterior doors, etc.).
 - Staff review of the use of synthetic roofing materials when not visually distinguishable from the original.
 - Clarification of language regarding energy generating devices (solar panels, wind turbines, etc.) if currently missing.

The changes to the Martin Luther King, Landmark District regulations can be summarized as follows (organized by the sections of the proposed regulations):

Statement of Intent

- The Statement of Intent is updated to reflect goals and priorities related to historic development patterns, economic development, neighborhood revitalization, pedestrian safety, affordable and equitable housing; and transit.

District Boundaries

- The Auburn and Edgewood Commercial Subareas have been merged into a single consolidated commercial subarea.

General Regulations

- The Secretary of the Interior's Standards for Rehabilitation are listed in the district text as opposed to the current structure which only references these standards.
- Compatibility Rule is revised to incorporate "no smaller than the smallest or larger than the largest" application.
- Block face and block areas are specifically defined for use in conjunction with the compatibility rule
- Grade level for Subarea 1 and 2 is defined as the current height of the lot as measured at the front yard adjacent to the public sidewalk.
- Certificates of Appropriateness reflect what has been incorporated into other/newer Landmark Districts.
- Contributing Buildings List is incorporated to delineate contributing structures for the entire district, with the ability for the list to be periodically updated for errors or revisions.
- The criteria for financial hardship exemptions has been expanded and updated.
- Lot Consolidations and Subdivisions provide greater specificity to ensure lots are in keeping with the historic pattern of the district.

Permitted Principal Uses and Structures

- Subarea 2 permits limited non-residential uses along Boulevard and Irwin with specific limitations and restrictions.
- Drive-in and Drive-through uses are prohibited.
- Park-for-hire surface parking lots permitted only by Special Use Permit, for a 2-year time limit and only with an Area Parking Analysis documenting the need for such use.
- The minimum acreage requirement for places of worship is removed.
- Accessory uses and structures in Subareas 1 and 2 provide greater specificity into the permissible building envelope for these uses.

Lot Controls and Building Heights

- Maximum building heights are established for portions of Subareas 1 and 2 with no contributing building stock.
- Maximum building heights are established for Subareas 3 and 4 at 1.5 times the height permitted by the compatibility rule, with a total maximum height allowed of 55 feet east of I-75/85 and 68 feet west of I-75/85.

Sidewalks, Yards and Open Space

- Open Space required only for multi-family in the amount equal to 5% of total floor area.
- Yard standards are established for portions of Subareas 1 and 2 with little contributing building stock, and for the frontage along Irwin Street and Boulevard.

Design Standards

- Façades, fenestration, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details are regulated by the compatibility rule.
- Dumpsters, loading and mechanical features are required to be screened.
- Replacement materials are recommended to allow cementitious siding and simulated divided light windows or plain sash windows in Subareas 1 and 2.
- Retaining walls are permitted on block faces based on the compatibility rule.
- Active uses are required on the ground floor of all buildings and parking structures.

Off-Street Parking, Parking Structures, Driveways, Driveways and Curb Cuts

- Bicycle parking is required for uses other than single-family.
- Minimum automobile parking requirements are not required but maximum automobile parking requirements are required.
- Park-for-hire surface parking lots must be located at least 65 feet away from public streets.
- Curb cuts and driveways are restricted on Edgewood, Auburn, Boulevard and Piedmont.

Signage

- Freestanding signs, monument signs and large screen video display signs are prohibited.
- Signs must be designed to be compatible with the historic character of the historic structures within the district.

Land Use

- Change the land use designation of the Subarea 2 parcels that front along Boulevard and Irwin from Low Density Residential to Low Density Commercial.

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development: The proposal is consistent with the adopted 2011 Comprehensive Development Plan (CDP) as the proposed revisions support the following items within the CDP:

Community Assessment – 4.2 Historic Resources:

- Revision of the City's zoning and historic preservation ordinances to reflect current City policies, priorities, and changing approaches to construction and development in the City.

Community Agenda – 1. Vision:

- Revitalize and protect historic buildings, sites and neighborhoods that tell the City's story and ensure infill development that preserves neighborhood character;
- Preserve historic African-American neighborhoods and promote their revitalization;

Community Agenda – 2. Issues and Opportunities:

- Partner with other organizations to promote all aspects of the City's history, historic resources, and heritage tourism as a valuable component of the City's future.
- Research opportunities to update and expand the range of the City's regulatory tools and enforcement techniques that relate to historic properties.
- Create efficiencies and partnerships that would allow the City's limited resources to effectively implement (and potentially enhance) the City's historic preservation ordinance and programs.
- Develop a program to promote the City's historic resources and their value to the City's future to City agencies, the general public, potential developers, or other interested parties.

(2) Availability of and effect on public facilities and services; referrals to other agencies: The proposed regulation revisions will have no effect on public facilities or services.

(3) Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need (optional consideration as per 16-27.004(3)): This proposal applies to a specific area of historic, cultural and architectural significance. No other land is subject to the specific proposed regulations now or in the future.

(4) Effect on character of the neighborhood: The adoption of the proposed revised regulations would include key changes (summarized above) that would help better preserve the historic integrity of the district while also encouraging compatible new construction, additions and alterations.

(5) Suitability of proposed land use: Generally speaking, the proposed use of properties in the district would be unchanged. The intent of the regulation revisions is to ensure that alterations and additions to existing structures and new construction are compatible with the design, proportions, scale, massing and general character of the district as a whole. However, there are several specific adjustments to the allowed uses in the District. First, some properties along Irwin Street and Boulevard (in the northern section of the District) would be allowed to have some limited commercial uses. Second, limited commercial uses could be re-established in the residential portions of the District based on archival documentation. Third, under certain circumstances bed and breakfasts uses would be allowed in the residential portions of the District. Fourth, the previously separate Edgewood and Auburn Avenue subareas would be combined with their allowed uses made uniform across the combined subarea.

(6) Effect on adjacent property: The proposed revisions to the regulations are intended to have a stabilizing effect on the land uses and properties within the district. Because the boundaries of this district are clearly defined and these regulations would apply specifically to property within these boundaries, it is not anticipated that properties adjacent to these boundaries would be negatively impacted by the proposed revisions.

(7) Economic use of current zoning: The proposed revisions to the regulations will not significantly change the economic use of the current zoning.

(8) Compatibility with policies related to tree preservation: The proposed revisions to the regulations will have no impact on policies related to tree preservation.

(9) Other considerations:

Section 16-20.006 (c)(2)(a) and (b) City goals and policies are contained in the CDP and Impact on proposal on transportation, Urban Design and other planning and development goals and objectives of the City.

Community Agenda – 4. Implementation Strategies:

- Research opportunities to update, expand, and strengthen the range of the City’s regulatory tools and enforcement techniques that relate to historic properties.
- Continue to create efficiencies and partnerships that would allow the City’s limited resources to effectively implement (and potentially enhance) the City’s historic preservation ordinance and programs. Including both designations and design review processes.

Section 16-20.006 (c) (2) (c) Potential impacts of tax abatements and other financial incentives which may be available to the property owner to assist in preservation.

The current City of Atlanta “Landmark Historic Property Tax Abatement Program” will continue to be a potential financial incentive for certain properties within the Landmark District, as follows:

“The owner of an income-producing building, which is listed in the National or Georgia Register of Historic Places and has been designated by the City of Atlanta as a Landmark Building or a contributing building in a Landmark District, may obtain preferential property tax treatment. The building must be in standard condition. For purposes of tax assessment for City of Atlanta taxes, excluding bonded indebtedness, the fair market value of the building and up to two acres of land surrounding it, is frozen for eight years at the level existing at the time of application and certification. In the ninth year, the fair market value is fixed at one-half the difference between the frozen value and the current fair market value. “

In addition, there are other economic incentives programs which could apply to property within the Landmark District, but they are not City of Atlanta based incentives nor are they tied to the Landmark District or its regulations.

Section 16-20.006 (c) (2) (d) Potential impacts of tax abatements and other financial incentives in the City budget.

Minimal impact is anticipated.

STAFF RECOMMENDATION: APPROVAL ON SUBSTITUTE

cc: James Shelby, Commissioner, DPCD

- Section 1:** That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended by replacing Chapter 20C. Martin Luther King, Jr. Landmark District regulations with a new Chapter 20C. entitled Martin Luther King, Jr. Landmark District Regulations, which new Chapter 20C. shall read as shown on the attached "Attachment A" which Attachment is hereby incorporated into this Ordinance.
- Section 2:** That the Official Zoning Map of the City of Atlanta is hereby amended consistent with the boundaries of the Chapter 20C Martin Luther King, Jr. Landmark District shown on "Map Attachment A" which Attachment is hereby incorporated into this Ordinance and is further incorporated into the regulations of Chapter 20C as amended by the reference made in Sec. 16-20C.003 of the amended Chapter 20C regulations, such that this map and the designation of the boundaries of the Martin Luther King, Jr. Landmark District shall be incorporated into and made a part of the Official Zoning Map of the City of Atlanta and the same shall define the area within which the Chapter 20C. Martin Luther King, Jr. Landmark District Regulations, as amended, shall be effective. The Official Zoning Map of the City of Atlanta is hereby further amended to create within the boundaries of said Martin Luther King, Jr. Landmark District, certain subarea designations as follows: Subarea 1: Auburn Avenue Residential; Subarea 2: Residential District; Subarea 3: Institutional District; Subarea 4 Auburn and Edgewood Avenues Commercial District; and Subarea 5: Transitional Zone, which subarea boundaries shall be as reflected in Map Attachment "A" and which subareas are hereby incorporated into and made part of the Official Zoning Map of the City of Atlanta and shall define the areas where the Subarea Regulations as set forth in the new Chapter 20C shall be effective. All areas shown on said Map Attachment "A" Martin Luther King, Jr. Landmark District, including subareas 1, 2, 3 and 4 therein, shall be rezoned from any existing zoning designation to the zoning designation Martin Luther King, Jr. Landmark District. All existing underlying zoning districts within Subarea 5, Transitional Zone, as shown on Map Attachment "A", shall remain in effect, and the Subarea 5 Transitional Zone rezoning herein shall act as an overlay zoning district such that both the existing underlying zoning district regulations and the new Subarea 5 Transitional Zone overlay regulations shall apply to said Subarea 5.
- Section 3:** That the Official Zoning Map of the City of Atlanta is hereby amended to include the attached "Attachment B" Martin Luther King, Jr. Contributing Buildings List, which Contributing Buildings List is referenced in Sec. 16-20C.004(4) as amended, and made a part of the Chapter 20C Martin Luther King, Jr. Landmark District regulations, which Contributing Buildings List is hereby incorporated into this Ordinance.
- Section 4:** That the Official Zoning Map of the City of Atlanta is hereby amended to include the attached "Map Attachment B" Martin Luther King, Jr. Subarea 2 Limited Commercial Area Map as referenced in Sec. 16-20C.005(2)(c) as amended, and made a part of the Chapter 20C Martin Luther King, Jr. Landmark District regulations, which Subarea 2 Limited Commercial Area Map is hereby incorporated into this Ordinance.
- Section 5:** That subsection (27) of Chapter 16-28A.010 of the City of Atlanta Zoning Ordinance, the Sign Ordinance, is hereby amended by striking the existing language in said subsection 16-28A.010(27) and replacing it with a new subsection (27) entitled Chapter 20C Martin Luther King, Jr. Landmark District which new

subsection 16-28A.010(27) shall read as set forth in Attachment "C", which Attachment is hereby incorporated into this Ordinance.

Section 6: That all Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: U-14-04 for 1085 Ponce de Leon Avenue, N.E.

DATE: May 8, 2014

An ordinance granting a Special Use Permit pursuant to Section 16-34.007(1)(c) for a Church located at 1085 Ponce de Leon Avenue, N.E.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 237 feet on the south side of Ponce de Leon Avenue at the southeast intersection of North Highland. The property is located in the Poncey-Highland Neighborhood of NPU N Council District 2.
- **Property size and physical features:** The subject property of approximately 178,105 square feet with 237 feet of frontage is an irregular shaped lot that is currently developed with a church and several accessory buildings. Access to the subject property is provided via Ponce de Leon Avenue, Highland Avenue, Blue Ridge and Seminole Avenue. There are several stripped parking spaces located throughout the subject property. Topography varies and there are a few mature trees/shrubbery located throughout the site.
- **Current/past use of property:** The site is currently the location of Druid Hills Baptist Church. Staff is unaware of any other uses.
- **Surrounding zoning/land uses:** The subject property is surrounded by properties with a variety of zoning categories to include: RG-5 (Residential General Sector 5) to the northwest, C-1 (Community Business) to the west RG-3 (Residential General Sector 3) to the south and RG-4 (Residential General Sector 4) to the east.
- **Transportation system:** Ponce de Leon is an arterial road that is serviced by MARTA.

PROPOSAL

The applicant's intent is to redevelop several parcels located adjacent to and currently owned by the existing church. The redevelopment includes office, retail, restaurants, multi-family and the existing church. The Druid Hills Baptist Church currently does not have a Special Use Permit. Therefore, the applicant's intent is to apply for a Special Use Permit for the existing church. No operational changes for the church are proposed with this application.

- **Ingress and egress:** Primary Ingress and egress to the existing church will be provided via two driveways located off of Ponce de Leon and Highland Avenue.
- **Off-street parking and loading:** Visitors and employees of the church may utilize the existing parking lot located to the east of the existing church and the proposed parking deck which will be located to the south of the church. All deliveries and service needs will be through the front and rear entrance of the existing church.
- **Refuse and service areas:** A private disposal company will be utilized for the removal of refuse generated by the church. The dumpster will be enclosed and located to the south of the existing surface parking lot.
- **Buffering and screening:** The applicant has not made any provisions for additional buffering and screening than what already exists.
- **Hours and manner of operation:** The proposed church will operate as follows: Monday – Friday from 9am – 5pm (office hours) and Sunday from 9:00 – 2pm (church service). Currently the church employs five (5) staff members who will work during the weekday. The church currently has a medium sized congregation with approximately 60 members who attend on Sunday. Additionally, the church will operate during the week and weekend for meetings, concerts, weddings and for funerals.
- **Duration:** The applicant has requested an indefinite duration.
- **Required yards and open space:** The required yards appear to be met.
- **Tree Preservation and Replacement:** The applicant has indicated that trees may be removed. However, the applicant will continue to adhere to the requirements of the City of Atlanta Tree Ordinance.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** The existing surface parking lot and proposed parking deck parking deck should be sufficient to provide continued adequate ingress and egress to the Druid Hills Baptist Church. The parking areas are sufficient in size to allow vehicular traffic to maneuver from the on-street parking space and to allow emergency vehicles to access the subject property.
- b) **Off-street parking and loading:** Available surface parking and loading areas on the subject property have been adequate to serve the needs of the existing church. With the addition of the parking deck, the church will have ample parking to accommodate any special programs/events offered by the church. Therefore, Staff is of the opinion that the existing surface parking lot and proposed parking deck is sufficient for parking and loading.
- c) **Refuse and service areas:** The applicant has indicated that a private disposal company will service the development. Additionally, the applicant has delineated a location for the receptacle and has properly screened it from the public view. Therefore, Staff is of the opinion that the use of a private disposal company is adequate for the site.
- d) **Buffering and screening:** The east of the property is currently buffered by a mature tree canopy. The church has operated adjacent to the existing retail development without additional buffering for several years. Therefore, Staff is of the opinion that the existing method of buffering and screening is adequate.
- e) **Hours and manner of operation:** The proposed hours and manner of operation appear reasonable for the proposed church. The Druid Hills Baptist Church as operated at this location for over 80 years and is a staple in the community. Therefore, Staff is of the opinion that hours and manner of operation are sufficient.
- f) **Duration:** The Druid Hills Baptist Church has been in the community for over 80 years. Therefore, Staff is supportive of an indefinite duration.
- g) **Compatibility with policies related to tree preservation:** In its existing state, staff is of the opinion that the subject property is in compliance with the City's Tree Ordinance. In the event that trees are removed, the applicant shall consult with the City Arborist.
- h) **Required yards and open space:** The proposed church will not impact the required yards and open space requirements of the site, which appear to have been met.

STAFF RECOMMENDATION: APPROVAL conditioned on the following:

1. This Special Use Permit shall be valid as long as Druid Hills Baptist Church is the operator.

cc: James Shelby, Commissioner, DPCD




KASIM REED
MAYOR

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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

MEMORANDUM

TO: Zoning Review Board
FROM: Charletta Wilson Jacks, Zoning Administrator 
SUBJECT: U- 14-06 for 380 14th Street, N.E.
DATE: May 8, 2013

An Ordinance granting a Special Use Permit for a Hotel pursuant to Section 16.12. 005 (1) (g) for property located at **380 14TH STREET, N.E.**

The applicant has amended the application and additional components of the project will need to be reviewed by the Office of Planning and the neighborhood.

STAFF RECOMMENDATION: 60-DAY DEFERRAL-JULY 2014

cc: James Shelby, Commissioner, DPCD



CITY OF ATLANTA

SHIRLEY FRANKLIN
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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Bureau of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator

SUBJECT: U-14-07 for 1937 Browns Mill Road, S.E.

DATE: May 8, 2014

The applicant seeks a Special Use Permit (Section 16-06.005(1)(g)) for a **Personal Care Home** to operate in an existing single-family home located at 1937 Browns Mill Road.

The applicant has requested a deferral to allow time to meet with the corresponding neighborhood association and NPU-Y.

STAFF RECOMMENDATION: 30 DAY DEFERRAL-JUNE 2014

cc: James Shelby, Commissioner, DPCD



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-14-06 for 560, 568, 576 Trabert Avenue, N.W.

DATE: May 8, 2014

An ordinance to rezone from the I-1 (Light Industrial) district and R-4 (Single Family Residential) district to the C-1-C (Community Business-Conditional) district for property located at 560, 568 and 576 Trabert Avenue, N.W.

FINDINGS OF FACT:

- property location: The subject property fronts approximately 234 feet on the south side of Trabert Avenue and begins approximately 270 feet from the southeast corner of Northside Drive. It is located in the Loring Heights neighborhood of NPU-E, Council District 8.
- property size and physical features: The subject properties of approximately 1.34 acres are currently developed with several structures utilized for single family and office uses. More specifically: 560 Trabert is currently developed with a single family structure, 568 Trabert is developed with an unfinished abandoned three story single family structure and 576 Trabert is developed with a one story office building. Topography varies throughout the site and there are several mature trees located throughout.
- CDP land use map designation: 560 & 568 Trabert – Single Family Residential and 576 – Low Density Commercial.
- current/past use of property: The properties have been used for residential, commercial and industrial uses. Property located at 560 Trabert Avenue is currently been used for residential purposes. 568 Trabert was being developed for residential purposes and has since been abandoned. 576 Trabert is currently being used for commercial purposes. Staff is unaware of any other uses.

- surrounding zoning/land uses: The subject properties are adjacent to property zoned for industrial and residential purposes and are categorized as follows: I-1 (Industrial), R-4 (Single Family Residential) to the east and MR-4A-C (Multifamily Residential Conditional) to the southeast.
- transportation system: Trabert Avenue is a local street and Northside Drive, west of the site is a major north/south arterial. MARTA bus routes services the area.

PROPOSAL

The applicant has proposed to rezone the subject property for the purpose of developing a mixed-use development that will consist of commercial, residential and retail. The applicant will utilize existing structures on 568 and 576 Trabert Avenue.

Gross Land Area:	64,108 sq. ft.
Proposed FAR (residential):	4,807 sq. ft.
Proposed FAR (non-residential):	16,201 sq. ft.
Minimum Total Open Space:	3,125 sq. ft.
Proposed Total Open Space:	19,100 sq. ft.
Required Parking:	58 spaces
Proposed parking:	58 spaces

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development:

The proposed rezoning for 560 and 568 Trabert is not compatible with the 2011 Comprehensive Development Plan and will require an application to amend the land use designation to Low Density Commercial. 576 Trabert is compatible and does not require an amendment to the CDP. The requested land use amendment is compatible to the surrounding area as parcels immediately adjacent to the subject properties are designated as Low Density Commercial. Therefore, Staff is of the opinion that the proposed land use change will not compromise the intent of the Comprehensive Development Plan.

(2) Availability of and effect of public facilities and services; referral to other agencies:

Since the area has been an established mixed use (residential and commercial) corridor, water and sewage facilities serving the property are assumed to be adequate. However, the capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. At the time, tie-in to specific sewer lines would be determined, as well as any necessary improvements to that part of the sewer line that would lie within boundaries of the site.

(3) Availability of other land suitable for proposed use; environmental effect on balance of land uses: 560 & 568 Trabert are currently zoned R-4 (568 Trabert was previously zoned I-1). 576 Trabert is currently zoned I-1 (Light Industrial). The applicant has proposed to rezone the subject properties to C-1 (Community Business) which is less intense than an Industrial zoning. Additionally, 568 Trabert is currently underutilized as the single family structure previously approved was never fully constructed and has since been abandoned.

Therefore, Staff is of the opinion that the request to rezone the subject properties would not create any issues that would negatively affect the balance of land uses in the area.

- (4) **Effect on character of the neighborhood:** The development would have a positive effect on the surrounding neighborhood by converting an abandoned single family structure into a mixed use building and by consolidating three parcels for the purpose of creating a mixed use development. Only positive effects can result from improvements to underutilized properties.
- (5) **Suitability of proposed land use:** Staff is of the opinion that the proposed request to rezone the property for the purpose of constructing a mixed use development would be compatible with surrounding zoning and land uses.
- (6) **Effect on adjacent property:** Staff is of the opinion that the rezoning of the subject properties to the C-1 zoning designation would not pose negative impacts to the adjacent properties. The parcels to the east of the subject properties are currently zoned R-4. Therefore, the rezoning of the subject properties would provide a good transition from commercial to residential.
- (7) **Economic use of current zoning:** While the current zoning conditions allow for economic use of the land, a change to the C-1 district would allow a more effective economic use of the subject property for the purpose of redeveloping into a mixed use development.

STAFF RECOMMENDATION: APPROVAL conditioned on the following:

1. Site plan similar to plan titled "Mixed Use Development – 560/568/576 Trabert Avenue" dated February 19, 2014 and marked received by the Office of Planning on February 19, 2014. Any landscaping as identified on the site plan shall not be reduced in size or dimension. This site plan shall not prohibit the application of the Beltline Regulations.
2. Elevations based on the concept submitted to the Office of Planning and marked received on February 19, 2014.
3. The uses on the site plan shall be the sole uses allowed on the subject property. Any change in use shall require an amendment of these conditions.
4. A lot consolidation shall be filed prior to the initiation of new construction consolidating 560, 568 and 576 Trabert Avenue into one lot.
5. The height shall not exceed that specified on the site plan, provided that it is acknowledged that the existing exterior elevator override structure projects above the top of the penthouse roof on the mixed use building about +/- 6 feet. The density of the development shall not exceed twenty (20) percent of the FAR specified on the site plan.
6. No valet parking shall be authorized unless it is in association with a special event hosted by an existing use.

cc: James Shelby, Commissioner, DPCD



KASIM REED
MAYOR


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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-14-10 for 3663 and 3667 Peachtree Road, N.E.

DATE: May 8, 2014

The applicant seeks to rezone the subject property from **RG-3-C (Residential General-Sector 3-Conditional) district to RG-3 (Residential General-Sector 3) district** for development of 20 townhomes on a private drive.

FINDINGS OF FACT:

- property location: The subject property fronts approximately 160 feet on the south side of Peachtree Road 836 feet west of the southwest intersection of Peachtree Road and Cantrell Road in the Ridgedale Park neighborhood of NPU-B, Council District 7.
- property size and physical features: The subject property consists of 1.493 acres. 3663 Peachtree Road is developed with a two story single family dwelling and 3667 is a vacant lot. The topography slopes down in a southwesterly direction toward the southwest corner of the lot. Mature trees ranging in 29" caliber to 8" caliber are scattered throughout the site.
- CDP land use map designation: The subject property has a land use designation of Medium Density Residential, 0-16 units per acre.
- current/past use of property: To Staff's knowledge the property has always been used for residential purposes.
- surrounding zoning/land uses: Properties fronting on Peachtree Road are zoned RG-3 (Residential General-Sector-3) with a land use designation of Medium Density Residential and developed for multi-family purposes. Properties at the rear are zoned R-3 (Single Family Residential) and developed for single family purposes.
- transportation system: Peachtree Road is a major north/south arterial and is served by MARTA Bus Route 25 that connects to the Lenox Transit Station. All other streets in the nearby area are local streets. Sidewalks are present along both sides of Peachtree Road.

PROPOSAL

The applicant proposes to rezone the property to enable the development of twenty (20) townhomes fronting on a private drive:

FAR	Permitted 0.696	Proposed 0.696	2,489 SF per unit
Total Open Space	Required 0.69	Proposed 0.72	
Useable Open Space	Required 0.40	Proposed 0.46	
Parking	Required 0.99 per unit	Proposed 3.95 per unit	

Each unit will have a two car garage and 18 units will have an additional 2 parking spaces in the driveway and there will be three on-site common parking spaces.

The site plan provides for a 5'-6" iron fence with 7' columns within the front yard setback; 5'-3" curved wall and 7'-6" straight wall at the entry with an accessed controlled entry gate system with call box.

CONCLUSIONS:

(1) **Compatibility with comprehensive development plan (CDP); timing of development:**

The comprehensive development plan designates the subject area of the site as Medium Density Residential therefore no amendment to the 15-year land use map would be required to facilitate this proposal.

There are no public projects or programs with which the timing of the project would conflict.

(2) **Availability of and effect of public facilities and services; referral to other agencies:**

Since the area has been a long established neighborhood, water and sewage facilities serving the property are assumed to be adequate for the proposed development.

The capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. During this review, tie-in to specific sewer lines would be determined, as well as any necessary improvements to the sewer line that would lie within boundaries of the development site.

There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.

(3) **Availability of other land suitable for proposed use; environmental effect on balance of**

land uses: The zoning regulations indicate that this consideration is optional. There are limited sites available for this type of infill development in this area along Peachtree Road. The immediate area is developed with a mix of townhomes, multi-family and senior living facilities. The proposed townhome use would not impact the balance of land uses in the area.

(4) **Effect on character of the neighborhood:** The development as proposed should not have a negative effect of the character of the neighborhood. The rezoning would allow for a density on the site that is contemplated by the 15 year land use designation of Medium Density Residential. However, as proposed with a controlled entry gate system the development would be physically and symbolically separated from the surrounding urban fabric of the neighborhood.

(5) **Suitability of proposed land use:** No amendment to the land use designation is required.

- (6) **Effect on adjacent property:** The construction of twenty (20) townhomes that would have a configuration compatible to others in the area should have a positive effect of adjacent property by replacing an abandoned dwelling with new housing opportunities in the area.
- (7) **Economic use of current zoning:** The zoning category will not change however a new site plan is being proposed that will be similar to other developments in the area.
- (8) **Tree Preservation:** The City of Atlanta's Tree Ordinance will govern the development of the site in regards to tree preservation.
- (9) **Other Considerations:** The applicant has filed for a special exception (V-14-077) to allow the proposed increased height in the fence and gate within the required front yard setback. However, the current Comprehensive Development Plan Policies for Neighborhood Preservation states:
- Discourage the development of gated communities or those otherwise physically and symbolically separated from the surrounding urban social and physical fabric.
- Therefore, Staff is not supportive of the proposed gate as shown on the site plan

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. A site plan similar to one entitled "3663 Peachtree Road Townhomes" by Shields Engineering Group dated 4/7/2014 and marked received by the Office of Planning April 10, 2014.
2. Units #1 and #20 shall be oriented so that the front doors and entry stoops shall be visible and accessible from Peachtree Road.
3. A four-foot walkway shall be provided along both sides of the proposed drive to allow for safe pedestrian access to the public sidewalk.
4. The development shall not be gated.

cc: James Shelby, Commissioner, DPCD



KASIM REED
MAYOR

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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

MEMORANDUM

TO: Zoning Review Board
FROM: Charletta Wilson Jacks, Zoning Administrator
SUBJECT: Z-14-11 for 455 Fourteenth Street, N.W.
and a portion of 425 Fourteenth Street, N.W.
DATE: May 8, 2014

A handwritten signature in black ink, appearing to be "CJ", written over the "FROM" line of the memorandum.

An Ordinance to rezone from the **I-2 (Heavy Industrial) district and C-2 (Commercial Service) district to the MR-5-A (Multifamily Residential-Sector 5) district** for the development 360 multifamily units.

This application will require re-advertising for purposes of correcting the description of the property.

STAFF RECOMMENDATION: 30 DAY DEFERRAL-JUNE 2014

cc: James Shelby, Commissioner, DPCD



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M. KASIM REED
MAYOR

JAMES SHELBY
Commissioner

CHARLETTA JACKS
Director, Bureau of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-14-12 for 464 Bishop Street, N.W.

DATE: May 8, 2014

An Ordinance to rezone from the **I-2 (Heavy Industrial)** District to the **MR-4A (Multifamily Residential)** District, property located at 464 Bishop Street, N.W. to develop a six story residential project with 232 residential units of 261,387 total square feet with 326 parking spaces in an accessory rear parking deck.

FINDINGS OF FACT:

- Property location: The subject property has approximately 326.5 feet on the south side of Bishop Street beginning approximately 500 feet from the northeast corner of 17th Street and Bishop Street. The property is located in Land Lot 148 of the 17th District of Fulton Co., Georgia in the Loring Heights neighborhood of NPU-E and Council District 8.
- Property size and physical features: The net area of the property is approximately 156,466 square feet (3.592 acres), with an additional of right-of-way included in the gross lot area of 182,913 square feet (4.199 acres). The site contains multiple one-story buildings including one with an office appearance at the front and five metal shed buildings to the side and rear with surrounding pavement and little natural vegetation to be seen on-site except for in front of the front office. Topography gradually falls from west to east along Bishop Street however, the front area is a plateau before dropping to a consistent lower level in the rear nearest the adjacent rail-line.
- CDP land use map designation: The Land Use Map for NPU-E designates the subject property as 'Industrial'. The applicant has applied for a land use amendment to the CDP for a designation appropriate for the requested MR-4A zoning district.
- Current/past use of property: The property is developed with multiple one-story buildings including one with an office appearance at the front and five metal shed buildings to the side and rear which recently held 'Capitol Material Inc.', a building materials supplier (which recently moved elsewhere in Atlanta). Staff is unaware of any previous uses of the property.

- Surrounding zoning/land uses: The area to the immediate east and west is along the south side of Bishop Street is zoned I-2 with an Industrial land use designation including the active rail-line to the immediate south of the subject site. All but one site along the north side of Bishop Street is similar with the one exception being to the northwest which is zoned MR-4A-C with High Density Residential land use designation. Along both sides of Bishop Street some buildings in the area are vacant but for those in use there are offices, studios, wholesalers, storage and an event facility, among others; but none having any residential uses. Further west nearest Northside Drive parcels have a Mixed Use land use designation but retain I-2 zoning having a hotel use. Nearby but across the rail-line to the south is 'Atlantic Station' zoned as C-4-C with a variety of commercial and residential uses. To the north of the Bishop St. fronting parcels is the single-family residential neighborhood known as Loring Heights.
- Transportation system: Bishop Street and nearby Deering Road are both classified as collector roads. Also, the nearby state route US-41/GA-3 (known as Northside Drive) is defined as an arterial street. All other adjacent and nearby streets are defined as local. There are no sidewalks along the southern portion of Bishop Street in the immediate vicinity of the subject site, but some sidewalks are found on the northern portion of Bishop Street. MARTA bus route #37 follows along 17th St. and Northside Drive (approximately 600 feet west of the subject site).

PROPOSAL:

The applicant is requesting to rezone the site from the I-2 (Heavy Industrial) district to the MR-4A (Multi-Family Residential) district to allow for the development of a 6 story building with 232 residential units (261,387 square feet) with 326 accessory parking spaces in an accessory rear parking deck. The following development standards are proposed:

Net lot area:	3.592 acres (156,466 sf)
Gross lot area:	4.219 acres (182,913 sf)
Residential Units:	232 units
FAR Allowed:	1.49 Max
FAR Proposed:	1.43 (261,387 floor area / 182,913 gross lot area)
Setbacks Required:	Front: 24' from curb; Side: 15'; Rear: 20'
Setbacks Proposed:	Front 30'; Side: Min 18'; Rear: 20'
Useable Open Space Required:	78,653 sf (0.43 x 182,913 gross lot area)
Useable Open Space Proposed:	80,320 sf
Parking Required:	169 spaces (0.73 x 232 units)
Parking Proposed:	326 spaces
Loading Required:	4 - 12' x 35'spaces
Loading Proposed:	<i>unspecified number and location*</i>
Height Maximum:	80 feet
Height Building:	65 feet

**Italics* indicates possible non-conformity

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development:

The proposed rezoning for the subject property to a multi-family residential zoning district is not compatible with the Comprehensive Development Plan Industrial use designation for the property. Staff notes that although the applicant has applied for an amendment to the 15-Year Land Use Map for a designation consistent with the requested rezoning, Staff is not supportive of this request due to the existing industrial zonings and uses adjacent to the site along the southern side of Bishop Street and in the immediate vicinity across Bishop Street and west along Northside Drive. Furthermore, City of Atlanta land use policy favors the retention of existing industrially zoned areas in order to provide for continued employment opportunities for the area's residents. There are no known public projects or programs with which the timing of the project would conflict.

(2) Availability of and effect of public facilities and services; referral to other agencies:

The location of the site and surrounding uses indicate there are public facilities and services available to the subject property. Furthermore, there has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.

(3) Availability of other land suitable for proposed use; environmental effect on balance of land uses: The zoning regulations indicate that this consideration is optional. However, as stated previously, Staff is of the opinion that the proposed zoning classification is unsuitable for the subject property. Furthermore, because of the increasingly limited availability of land within the City which can be utilized for industrial purposes the City of Atlanta land use policy stresses the retention of such currently zoned industrial properties. Moreover, there appears to be significant land located in close proximity to the site (especially to the south and east) in zoning categories that already would support the proposed multi-family residential use.

(4) Effect on character of the neighborhood: The proposed multi-family residential development would replace an industrially zoned site thereby decreasing the number of properties available within the City which could be utilized for these purposes. Also, the proposal would alter the predominately light industrial and commercial character of the Bishop Street corridor which currently serves as a buffer between the existing rail line and the Loring Heights single-family neighborhood. Therefore, Staff is of the opinion that the approval of the applicant's rezoning request would have an adverse affect on the character of the neighborhood.

(5) Suitability of proposed land use: Given the current and past industrial uses of the subject property, as well as other similar properties immediately adjacent and in the nearby vicinity, Staff does not believe the proposed multi-family residential land use is not suitable for the site.

(6) Effect on adjacent property: Redevelopment of the property would replace the current industrial use with a residential use incompatible with the adjacent railroad and adjacent industrially-zoned and developed properties.

- (7) **Economic use of current zoning:** The subject property has economic value as currently zoned I-2. However, approval of the requested rezoning and the subsequent residential redevelopment of the site could possibly increase the economic value of the property, as well as other properties in the immediate area, as property owners perceive greater values might be obtained by changing the use of the land from industrial to residential.
- (8) **Tree Preservation:** It is the applicant's stated intent to keep as many existing trees as possible and comply with the City of Atlanta Tree Ordinance.
- (9) **Other Considerations:** Staff would be compelled to support this rezoning if this project could provide a reasonable level of employment opportunities (commercial or light industrial uses such as studio space) in the overall development in lieu of a completely residential project. Doing so would better maintain the street level character of Bishop Street and be more consistent with the City's industrial policies.

STAFF RECOMMENDATION: DENIAL

cc: James Shelby, Commissioner, DPCD



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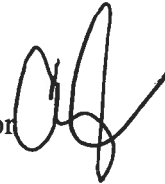
KASIM REED
MAYOR

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-14-16 for 18 Peachtree Avenue, N.E.

DATE: May 8, 2014

An Ordinance to rezone from the RG-2 (Residential General-Sector 2) District to the MR-3 (Multifamily Residential) district.

FINDINGS OF FACT:

- property location: The subject property fronts approximately 120 feet on the north side of Peachtree Avenue and begins approximately 40 feet from the northeast corner of Peachtree Road. The property is located in the Garden Hills Neighborhood of NPU B Council District 7.
- property size and physical features: The subject property of approximately 28,871 square feet with 120 feet of frontage is a standard shaped lot that is currently undeveloped. Access to the subject property is provided via Peachtree Avenue. Topography is relatively level and there are a few mature trees located throughout the site.
- CDP land use map designation: High Density Commercial
- Current/past use of property: The site is currently undeveloped. Staff is unaware of any other uses.
- Surrounding zoning/land uses: The subject property is surrounded by properties with a variety of zoning categories to include: RG-2 (Residential General Sector 2) to the immediate south, west and east and SPI-9 (Special Public Interest District: Buckhead Village) to the north.
- Transportation system: Peachtree Road an arterial road that provides access to Peachtree Avenue is serviced by MARTA.

PROPOSAL:

The applicant has proposed to rezone the subject property for the purpose of constructing seven (7) townhomes.

Gross Land Area:	31,863 sq. ft.
Maximum FAR allowed (residential):	0.696 (22,177 sq. ft)
Proposed FAR (residential):	22,120 sq. ft.
Minimum Total Open Space:	56,771 sq. ft.
Proposed Total Open Space:	68,237 sq. ft.
Required Parking:	7 spaces
Proposed parking:	18 spaces

Required variances/special exceptions: The proposed project must comply with the zoning requirements for the MR-3 zoning regulations.

CONCLUSIONS:

(1) **Compatibility with comprehensive development plan (CDP); timing of development:**

The proposed change of conditions does not impact the current land use designation of High Density Commercial. Therefore, a CDP amendment is not required.

(2) **Availability of and effect of public facilities and services; referral to other agencies:**

Since the area has been an established mixed use (residential and commercial) corridor, water and sewage facilities serving the property are assumed to be adequate. However, the capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. At the time, tie-in to specific sewer lines would be determined, as well as any necessary improvements to that part of the sewer line that would lie within boundaries of the development site.

(3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:**

Staff is of the opinion that the request to rezone the subject property for the purpose of developing seven (7) townhomes would not create any issues that would negatively affect the balance of land uses in the area. The site previously was designated as the site for a multifamily development. However, the project was never developed and the site sat vacant and undeveloped for several years. The applicant's proposal utilizes land that is immediately available for development. Therefore, Staff is of the opinion that no other land to be evaluated for the subject site plan amendment.

(4) **Effect on character of the neighborhood:** The immediate area is flanked by a mixture of uses including multifamily, commercial and single family. No negative effects are expected on adjacent properties as the proposed development of seven townhomes would provide a good transition from multifamily to the single family residences located along Peachtree Avenue. Only positive effects can result from new development opportunities in a neighborhood that currently promotes multifamily development. Therefore, the addition of a multifamily development would serve to further redevelop the area, in conjunction with other

residential and multifamily redevelopments projects that are currently under way on nearby sites.

- (5) **Suitability of proposed land use:** Staff is of the opinion that the proposed request to rezone the property would be compatible with surrounding zoning and land uses.
- (6) **Effect on adjacent property:** No negative effects are expected on adjacent properties. Currently the subject site is adjacent to multifamily developments and single family residences that range in size and height. The proposed multifamily development would only compliment an area where development is prevalent.
- (7) **Economic use of current zoning:** While the current zoning conditions allow for economic use of the land, a change of zoning would allow for a more effective economic use of the subject property for the purpose of constructing seven townhomes. The applicant has proposed to make improvements to the site which would promote a desirable living environment. Furthermore, a multifamily development would also be more suitable due to the existence of several multifamily developments and single family residences in the immediate vicinity.
- (8) **Tree Preservation:** It is noted that additional trees or recompense may be necessary to comply with the City of Atlanta Tree Ordinance. However, the applicant has confirmed that all policies related to tree preservation will be met.

STAFF RECOMMENDATION: APPROVAL conditioned on the following:

1. No commercial uses shall be permitted on the Property.
2. The development on the Property shall not be gated.

cc: James Shelby, Commissioner, DPCD



CITY OF ATLANTA

M. Kasim Reed
MAYOR

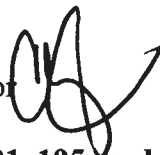
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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Bureau of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-14-02 for 169, 171, 175, 179, 181, 185, 191, 195, and 199 11th Street, and 1020, 1026 and 1030 Piedmont Avenue, and 180 10th Street

DATE: May 8, 2013 (*deferred from April 17th and March 13, 2014*)

The applicant is seeking to rezone certain properties from the Midtown SPI-16 Subarea #2/Juniper Street Transition Area (JSTA), Midtown SPI-16 Subarea #2, Piedmont Avenue SPI-17, Subarea# 2 and Subarea #3 zoning districts to the Midtown SPI-16 Subarea #2 (JSTA) and the Piedmont Avenue SPI-17 Subarea #2 zoning districts for a new multifamily residential development comprised of three buildings (two connected) and accessory ground floor retail along 10th Street and at the corner of Piedmont Avenue and 11th Street.

Applicant is requesting a deferral to in order to amend their application.

STAFF RECOMMENDATION: 60 DAY DEFERRAL-JULY 2014

cc: James Shelby, Commissioner, DPCD



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KASIM REED
MAYOR

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-35 for 2140 Peachtree Road (a portion of), N.W.

DATE: May 8, 2014

An Ordinance to rezone from the C-3-C/BL (Commercial Residential-Conditional/Beltline Overlay) District and C-3/BL (Commercial Residential/Beltline Overlay) District to the C-3-C/BL (Commercial Residential-Conditional/Beltline Overlay) District for purposes of a change of conditions.

FINDINGS OF FACT:

- property location: The subject property fronts 339 feet on the west side of Peachtree Road begins approximately 149 feet from the southwest intersection of Peachtree Road and Colonial Homes Drive. The property is located in Land Lot 111 of the 17th District, Fulton County, Georgia in NPU-C Council District 8.
- property size and physical features: The subject property of approximately 1.99368 acres is an irregular shaped lot that is currently developed with a two story shopping plaza and restaurant. Access to the property is provided via driveway entrances located off of Colonial Homes Drive and Peachtree Road. There are several stripped parking spaces located onsite that is utilized by patrons of the development. Topography declines to the west from the front property line towards the rear property line. There are a few mature trees and shrubbery located throughout the site. .
- CDP land use map designation: High Density Commercial
- Current/past use of property: The site was previously developed as a commercial development with retail and restaurant uses. Staff is unaware of any other uses.
- Surrounding zoning/land uses: The subject property is surrounded by properties with a variety of zoning categories to include: C-1 (Community Business) to the west, C-3 (Commercial Residential) to the south and north, MR-4A (Multi-Family Residential) to the west and RG-5 (Residential General Sector 5) to the northwest.
- Transportation system: Peachtree Road is an arterial road that is serviced by MARTA.

PROPOSAL:

The applicant has proposed to rezone the subject property for the purpose of changing the previously approved conditions. The site is subject to several amendments to the zoning ordinance and is as follows:

- **94-O-2102** – Site Plan Amendment
- **90-O-0151** – An amendment to the previous rezoning application to change the conditions.
- **Z-85-75** – An ordinance to rezone a portion of the property to C-3-C.

Since the time of the original rezoning, development has not occurred onsite. Therefore, the current owners are proposing to subdivide the property, demolish a portion of the shopping plaza, and construct a 248 unit multifamily development.

Gross Land Area:	92,901 square feet
Net Lot Area:	83,048
Maximum F.A.R. allowed (residential):	3.20
Proposed F.A.R. (residential):	3.191
Minimum Useable Open Space:	0.61
Proposed Useable Open Space:	0.65
Proposed parking:	399 spaces
Proposed Height:	90 feet (fronting Peachtree)

Required variances/special exceptions: The proposed project must comply with the zoning requirements for the Beltline Overlay.

CONCLUSIONS:

(1) **Compatibility with comprehensive development plan (CDP); timing of development:**

The proposed change of conditions does not impact the current land use designation of High Density Commercial. Therefore, a CDP amendment is not required.

(2) **Availability of and effect of public facilities and services; referral to other agencies:**

Since the area has been an established mixed use (residential and commercial) corridor, water and sewage facilities serving the property are assumed to be adequate. However, the capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. At the time, tie-in to specific sewer lines would be determined, as well as any necessary improvements to that part of the sewer line that would lie within boundaries of the development site. Additionally, the applicant provided a traffic impact study for the original plan which included the redevelopment of one tract for a total of 248 new apartment units. The following conclusions for the Peachtree Road at Colonial Homes Drive intersection were derived from traffic impact study:

- Existing 2013: Currently operates at a Level of Service (LOS) A during the AM peak periods (8:00-9:00 AM) and A during the PM peak periods (5:15-6:15 PM).

- Projected 2016 No-Build: Level of Service D during the AM peak periods and C during the PM peak periods.
- Projected 2016 Build: Level of Service D during the AM peak periods and C during the PM peak periods.

The study included other intersections, however the aforementioned intersection is the most traveled and has the greatest impact on traffic. Based on the study, the Level of Service will degrade in 3 years based on planned road improvements and approved development in the area. Therefore, Staff is of the opinion that the addition of the 248 multifamily development is not the impetus for the degradation in Level of Service.

- (3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** Staff is of the opinion that the request to rezone the subject property for a change in zoning conditions would not create any issues that would negatively affect the balance of land uses in the area. The Beltline Master Plan for Subarea 7 has identified the “Coro Property” as a site for potential redevelopment. The development potential for the site includes a possible 29,600 sq. ft. mixed use component and a 353 residential unit component. While the applicant has not proposed to construct mixed use, the ability to meet this recommendation can occur on the remainder of the site. Additionally, the applicant’s proposal is well under the 353 unit residential recommendation of the master plan. The redevelopment of the property for high-density residential would afford a more efficient use of land near a major economic corridor and two major proposed transit investments. Therefore, Staff is of the opinion that the proposed development would remain consistent with the land use recommendations of the Beltline Master Plan (Subarea 7) and that no other land needs to be evaluated for the subject amendment to the conditions.
- (4) **Effect on character of the neighborhood:** The immediate area is flanked by multifamily developments. The Peachtree Road corridor has numerous high and very high density residential developments in the area. The proposed development would promote the intentions of the Beltline Plan, provided additional connectivity and support the redevelopment of other residential and mixed-use projects that are currently under way on nearby sites. Therefore, the proposed multifamily development would not change the character of the neighborhood as the previously approved site plan anticipated the addition of the aforementioned.
- (5) **Suitability of proposed land use:** Staff is of the opinion that the proposed request to rezone the property would be compatible with surrounding zoning and land uses.
- (6) **Effect on adjacent property:** No negative effects are expected on adjacent properties. Currently the subject site is adjacent to multifamily developments that range in size and height. The proposed multifamily development would only compliment an area where development is prevalent.
- (7) **Economic use of current zoning:** While the current zoning conditions allow for economic use of the land, a change of conditions would allow for a more effective economic use of the subject property for the purpose of constructing a multifamily development. The applicant has proposed to improve the site which supports the Beltline with regard to the redevelopment recommendations.

- (8) **Tree Preservation**: It is noted that additional trees or recompense may be necessary to comply with the City of Atlanta Tree Ordinance. However, the applicant has confirmed that all policies related to tree preservation will be met.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. Conceptual site plan dated November 11, 2013 and stamped received by the Office of Planning February 5, 2014. This conceptual site plan is not meant to prohibit the application of the Beltline regulations.

cc: James Shelby, Commissioner, DPCD



CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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KASIM REED
MAYOR

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: 454, 468 Chapel Street, S.W. and 105, 115 and 123 Haynes Street, S.W. and 429, 433, 437, 439, 441 and 447 Nelson Street, S.W. and 459 Tatnall Street, S.W.

DATE: May 8, 2014

An Ordinance to rezone from MRC-2-C (Mixed Residential Commercial-Conditional) District to MRC-2-C (Mixed Residential Commercial-Conditional) District for a change of conditions.

On April 1st the applicant submitted a request for a deferral in order to continue discussions with the Neighborhood and NPU. Staff is supportive of this request.

STAFF RECOMMENDATION: 60-DAY DEFERRAL-JULY 2014

cc: James Shelby, Commissioner, DPCD



KASIM REED
MAYOR


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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-52 for 1455 Fairmont Road, N.W., 1393 Ellsworth Industrial Boulevard, N.W.
and also known as Parcel Numbers 17-O188-0001-023 and 17-0188-0001-020 (now known as 17-0188-0001-024 and 17-0188-000-026)

DATE: May 8, 2013 (*Deferred January 23, March 13 and April 17, 2014*)

The applicant seeks a Site Plan Amendment to a **PD-MU (Planned Development-Mixed Use)** district to enable the development of 89 to 120 townhomes.

FINDINGS OF FACT:

- property location: The subject property fronts 1,476.5 feet on the west side of Fairmont Avenue 913 feet north of the Huff Road in the Blandtown neighborhood of NPU-D, Council District 9. The site also has 71.33 feet of frontage on Ellsworth Industrial Boulevard.
- property size and physical features: The subject property consists of 24 acres and is undeveloped but for a few industrial buildings that have not be in use for several years. The property is basically triangular in shape and creeks cross the property running north-south bisecting the property and east-west along the southern boundary line. The southern creek turns north as it approaches Ellsworth Industrial Boulevard where the two creeks converge as one. A Georgia Power 100 foot power easement is found just north of the southern creek and also runs east-west. Additionally a major City water line also runs east-west through the southern portion of the property. The topography along the western and southern area of the site is irregular because of the presence of the creeks. The required 75 foot City stream buffer limits the area of the site that can be developed.
- CDP land use map designation: The subject property has a land use designation of Mixed Use.
- current/past use of property: The property was formerly zoned and used for industrial purposes prior to being zoned to PD-MU in 2007.
- surrounding zoning/land uses: The subject property is a portion of a larger PD-MU (Planned Development-Mixed Use area that was rezoned from industrial to mixed use in 2007. Along the western boundary of the site I-1 (Light Industrial) zoning is found. South of the site and north of

Huff Road MR-4A-C (Multi Residential-Conditional) and MRC-3-C (Multi Residential Commercial-Conditional) zoning is found. East, across Fairmont Avenue PD-MU zoning is found.

- transportation system: Fairmont Avenue is a local residential street, terminates at the northern most point of the subject property and intersects with Huff Road to the south which is classified as a collector. All other streets in the area are local residential streets. Sidewalks are not found along Fairmont Avenue or Ellsworth Industrial Boulevard and MARTA bus route 1 serves the area.

PROPOSAL

The applicant requests to construct townhomes on the 24.077 acre tract of land previously zoned in 2007 as a part of a multi-block planned development with primarily residential uses and some commercial square footage. This application incorporates blocks “H, I, J, K, L and M” from the original zoning which provided for 399 residences in a mix of single family, townhome and multifamily buildings. The proposal is to develop the subject property with no more than 120 townhomes with access from Fairmont Avenue as shown on the site plan. A large area of the site will be common green space. Development specifications are:

FAR	0.348 permitted	0.244 proposed	(105 units in Phase I)
Open Space	0.75 required (814,280SF)	0.90 provided (980,595SF)	
Parking	1.5 spaces per unit required	1.88 spaces per unit provided	

After much consultation Staff has determined rezoning the subject property from PD-MU to MR-2 is the more appropriate action to take in this circumstance.

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development:

The comprehensive development plan designates the subject area of the site as Mixed Use and the zoning district requested allows for residential and non-residential uses. Therefore no amendment to the 15-year land use map would be required to facilitate this proposal.

There are no public projects or programs with which the timing of the project would conflict.

(2) Availability of and effect of public facilities and services; referral to other agencies:

Since the area has been a long established industrial area, water and sewage facilities serving the property are assumed to be adequate for the proposed development.

The capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. During this review, tie-in to specific sewer lines would be determined, as well as any necessary improvements to the sewer line that would lie within boundaries of the development site.

There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.

- (3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The zoning regulations indicate that this consideration is optional. The proposal would allow for new housing options in an area of the city transitioning from industrial to residential uses.
- (4) **Effect on character of the neighborhood:** The development should have a positive effect on the character of the neighborhood. The subject property is part of a larger area zoned to PD-MU in 2007. However, the planned development mixed use project never moved forward. The MR zoning classification will allow construction of townhomes in an area formerly planned for multi-family, townhomes and single family dwellings.
- (5) **Suitability of proposed land use:** No amendment to the land use designation is required.
- (6) **Effect on adjacent property:** As noted above the subject property is part of a larger area zoned PD-MU in 2007. The 2007 proposal never materialized and the property is no longer under unified control. Therefore Staff is of the opinion the construction of townhomes in an area formerly planned for multifamily, townhomes and single family dwellings should not have a negative impact on adjacent property.
- (7) **Economic use of current zoning:** The current zoning of PD-MU has economic use. However, as noted above, the planned development mixed use project envisioned in 2007 never moved forward nor is the land originally zoned to PD-MU under unified control and being developed as a whole. Therefore, Staff is of the opinion that the request to construct townhomes is better suited for the zoning classification of MR-2.
- (8) **Tree Preservation:** The City of Atlanta's Tree Ordinance will govern the development of the site in regards to tree preservation.
- (9) **Other Considerations:** As previously mentioned, the applicant requests to construct townhomes on the 24.077 acre tract of land previously zoned in 2007 as a part of a multi-block planned development with primarily residential uses and some commercial square footage. The proposal is to develop the subject property with no more than 120 townhomes with access from Fairmont. After much consultation Staff has determined rezoning the subject property from PD-MU to MR-2 is the more appropriate planning and zoning classification action.

STAFF RECOMMENDATION: APPROVAL of a substitute ordinance rezoning the subject property from PD-MU (Planned Development-Mixed Use) to MR-2/BL (Multi Residential-Sector 2/BeltLine Overlay) conditioned upon:

1. A site plan similar to one dated November 26, 2013, last revised 4/1/210 entitled "West Midtown (Phase I)" by Planners and Engineers Collaborative marked received by the Office of Planning May 2, 2014. However, this condition shall not preclude application of the MR regulations.

2. In accordance with the GRTA 2nd Revised Notice of Decision dated March 20, 2014 the applicant agrees to the following conditions:

Development Intensity and Use

- a. Preserve 108 feet of right-of-way, as property boundaries permit, to be preserved between Ellsworth Industrial Boulevard and Fairmont Avenue to allow for a future Atlanta BeltLine transit, multi-use trail and/or vehicular connection.

Pedestrian, Bicycle and Transit Facilities

- b. Provide sidewalks on both sides of all roads. This shall not apply to alleys.
 - c. Provide sidewalks along the property frontage abutting Fairmont Avenue
3. The maximum number of units to be built on the property subject to this rezoning shall be no more than 120 units.
 4. Street locations shall be developed in a manner substantially similar to that shown on the Site Plan, provided that exact locations thereof may vary up to 100 horizontal feet, and provided that an interconnected street system is maintained. Street widths may also vary from the dimensions shown on the Site Plan.
 5. Where a building abuts a private alley, access to parking shall be provided from said alley and not from the street.
 6. The private road shall be treated as public and meet the requirements of the MR regulations.
 7. Residential buildings with units facing the green space shall meet the fenestration requirements of the MR district.
 8. The Developer will work with the City to direct impact fees to extending Fairmont Avenue to connect to Huber, provided the developer is able to acquire land rights, otherwise the developer will request the impact fees be directed to the Huff Road widening project as shown in the Connect Atlanta Plan.
 9. Developer and/or the homeowners association created for the project shall maintain the greenspace created for the project (i.e., mowing of grass, pruning of trees, trash collection any other upkeep as necessary to maintain the greenspace), until such time as the greenspace or a portion thereof may be conveyed to the Atlanta BeltLine or other applicable local government entity.
 10. The Developer will not develop any units on the property that is to the south of the 108 foot right-of-way as shown on the site plan.
 11. Developer shall set up the homeowner's association for the development and inform homeowners of the maintenance responsibilities (meaning the HOA would be responsible for infrastructure above and below ground) prior to handing over the HOA to the homeowners.